

Pt. 110, App. E

32 CFR Ch. I (7–1–99 Edition)

APPENDIX D TO PART 110—APPLICATION OF
ADVANCED COURSE FORMULA (MALE AND FE-
MALE MEMBERS) (SAMPLE)—Continued

	Zone I	Zone II
Add:		
5% custodial fees (5% of ad- justed package cost)	7.59	8.66
Uniform alteration and mainte- nance	10.00	10.00
	17.59	18.66
Net Rate	169.38	191.78
Rounded official standard rate (2 years)	169.00	192.00
Special commutation rate (2 years) (three times standard rate)	507.00	576.00

APPENDIX E TO PART 110—APPLICATION OF 4-
WEEK SUMMER FIELD TRAINING FORMULA
(SAMPLE)

	Zone I	Zone II
Total package cost (authorized items)	\$36.56	\$48.70
Amortization Schedule:		
Total package less \$12.75 (boots and socks) (not reissued)	23.81	35.95
50% amortization (2-year life)	11.91	17.98
Boots and socks added	12.75	12.75
Amortized package cost	24.66	30.73
Add:		
5% custodial fees	1.23	1.54
Uniform alteration and maintenance	10.00	10.00
Net rate	35.89	42.27
Rounded for official rate	36.00	42.00

PART 111—RESERVE OFFICERS'
TRAINING CORPS PROGRAM
FOR SECONDARY EDUCATIONAL
INSTITUTIONS

Sec.

- 111.1 Reissuance and purpose.
- 111.2 Applicability and scope.
- 111.3 Definitions.
- 111.4 Policy.
- 111.5 Responsibilities.
- 111.6 Information requirements.
- 111.7 Establishment of Junior ROTC at schools.

ENCLOSURE 1—EXAMPLES: COMPUTATION OF
THE JUNIOR ROTC INSTRUCTOR'S COM-
PENSATION

AUTHORITY: 10 U.S.C. 2031, as amended.

SOURCE: 47 FR 36636, Aug. 23, 1982, unless
otherwise noted.

§ 111.1 Reissuance and purpose.

This part is reissued to update and clarify policies for the organization and administration of the Reserve Officers' Training Corps (ROTC) program in all secondary schools (hereafter

called Junior ROTC), as a result of amendments to title 10 U.S.C. section 2031. Amendments include new viability standards for Junior ROTC units, in accordance with section 602 of the Defense Appropriation Act, Fiscal Year (FY) 1981, and the extension of the authority for section 607 in the Defense Authorization Bill, FY 1982.

§ 111.2 Applicability and scope.

(a) This part applies to the Office of the Secretary of Defense and the Military Departments. The term "Military Service," as used herein, refers to the Army, Navy, Air Force, and Marine Corps.

(b) Its provisions include those institutions with established Junior ROTC units and encompass the operation and administration of the Junior ROTC program worldwide at both public and private institutions.

§ 111.3 Definitions.

(a) *Active duty pay and allowances.* For purposes of calculating the Junior ROTC instructor's pay, active duty pay and allowances shall be limited to basic pay, basic allowance for quarters, allowance for variable housing (VHA), allowance for uniforms (enlisted only), and basic allowance for subsistence, which the individual would receive if called to active duty.

(b) *High schools.* Public and private secondary educational institutions that do not fall under the definition for military junior colleges and military institute schools.

(c) *Junior ROTC.* All ROTC programs conducted at the secondary level of education.

(d) *Junior ROTC unit.* An organized group of Junior ROTC students and faculty at one secondary school.

(e) *Military institute schools.* Military schools at the secondary level of instruction that:

- (1) Require a 4-year course in military training.
- (2) Organize their military students as a Corps of Cadets under constantly maintained military discipline.
- (3) Require all members of the Corps, including those members enrolled in military training, to be in appropriate uniform when on campus.

(4) Have as their objectives the development of the student's character through military training, the regulation of the student's conduct in accordance with the principles of military discipline, and the meeting of military standards similar to those maintained at Military Service academies.

(f) *Military junior colleges.* Schools that provide high school and college instruction but do not confer baccalaureate degrees. Junior ROTC units established at these schools meet all other requirements of military college institutions, as defined in 32 CFR part 110, and accept and maintain a specially designated program of instruction prescribed by the Military Department concerned.

(g) *Multiple Junior ROTC unit.* Any group of units organized and sponsored under one school system in which the Junior ROTC program is conducted concurrently in more than one school.

§ 111.4 Policy.

It is the policy of the Department of Defense to sponsor and fund the Junior ROTC program to provide an opportunity for secondary school students to learn the basic elements and requirements for national security and their personal obligations as Americans. The Junior ROTC program is intended to:

- (a) Develop informed and responsible citizens.
- (b) Strengthen character.
- (c) Promote an understanding of the basic elements and requirements for national security.
- (d) Help form habits of self-discipline.
- (e) Develop respect for and an understanding of the need for constituted authority in a democratic society.
- (f) Develop an interest in the Military Services as a possible career.

§ 111.5 Responsibilities.

The *Secretaries of the Military Departments* shall:

- (a) Sponsor and conduct a Junior ROTC program.
- (b) Provide a fair and equitable geographical distribution of their Junior ROTC units, with no more than one Military Service's Junior ROTC unit in a school.
- (c) Prescribe a curriculum of at least 3 academic years for their Junior

ROTC units, offering students one of the following curricular programs:

(1) *Academic track (college preparatory).* A minimum 3-year program with 96 hours yearly of military instruction. The academic track shall be offered only in those schools with a fully accredited program of academic studies, completion of which prepares the student for entry in a college offering Senior ROTC.

(2) *Technical track (noncollege preparatory).* A minimum 3-year program with 96 hours yearly of military instruction coordinated with technical courses having a military application. These courses may be integrated into the required 96 hours of ROTC instruction upon approval of the Secretary of the Military Department concerned.

(d) Prescribe advance placement.

(1) A student presenting evidence of successful completion of either the academic or technical track of Junior ROTC under any Military Department is entitled to advance promotion to the grade of no less than E-2 upon initial enlistment in an active or reserve component of a Military Service.

(2) A student presenting evidence of successful completion of a 3-year Junior ROTC program (either track) is entitled to not less than 1 year of credit in the basic course of Senior ROTC when the student enters college.

(e) Reimburse the institution for Junior ROTC instructor salaries at the rate of one-half the amount of the difference between the instructor's retired or retainer pay and the amount of active duty pay and allowances (excluding hazardous duty pay) the instructor would receive if he or she were ordered to active duty.

(f) Ensure that the provisions of § 111.7 are followed.

(g) Account for the cost incurred by the Department of Defense in sponsoring, conducting, or disestablishing a Junior ROTC unit.

(h) Evaluate annually the operation, administration, and effectiveness of the overall Junior ROTC program and the individual Junior ROTC units in terms of cost and performance objectives.

§ 111.6 Information requirements.

The theft of any military weapons or ammunition from a secondary educational institution shall be reported under Report Control Symbol DD-POL(SA&AR) 1358, as prescribed in DoD Directive 5100.76, "Physical Security Review Board," February 10, 1981.

§ 111.7 Establishment of Junior ROTC at schools.

(a) *Junior ROTC establishment.* Secondary educational institutions desiring to establish Junior ROTC units or to continue established units shall agree to:

(1) Maintain a Junior ROTC enrollment of no less than 100 physically fit students, or 10 percent of the number of students enrolled in the institution, who are at least 14 years of age and are citizens or nationals of the United States.

(2) Employ as Junior ROTC instructors retired officers and enlisted personnel whose qualifications are approved by the Secretary of the Military Department concerned to administer the basic military orientation courses. Officer instructors shall possess baccalaureate or higher-level degrees. This qualification may be waived for a period of 4 years from the time of initial hire or from the date of this part (whichever is later), if the school authority agrees and while the instructor works toward obtaining a bachelor's degree.

(3) Pay retired personnel so employed. The institution is the employing agency and shall pay the full amount due the Junior ROTC instructor. The Junior ROTC instructor shall receive retired or retainer pay from the U.S. Government. The amount due from the institution is at least the amount equal to the difference between retired or retainer pay and the active duty pay and allowance that the Junior ROTC instructor would receive if ordered to active duty. The institution shall be reimbursed for Junior ROTC instructor salaries at the rate of one-half the difference of the instructor's retirement or retainer pay and active duty pay and allowances. For purposes of calculating a Junior ROTC instruc-

tor's pay, "active duty pay and allowances" shall be limited to the basic pay, basic allowance for quarters, allowance for variable housing (VHA), allowance for uniforms (enlisted only), and basic allowance for subsistence. The level of active duty pay and allowances, less retired or retainer pay, is the minimum salary the institution shall pay Junior ROTC instructors. This should not be considered an attempt to cap or limit the amount of pay that may be agreed upon between the individual Junior ROTC instructor and the instructor's employer. The institution may pay more than the amount equal to the difference between retired or retainer pay and the individual's active duty pay and allowance rate, but shall do so without additional entitlement for reimbursement from the Federal government. (See enclosure 1 for examples of proper computation of the Junior ROTC instructor's pay.)

(4) Contract separately with the individual Junior ROTC instructor for any additional duties desired by the institution beyond those connected with the instruction, operation, and administration of the Junior ROTC program, at no cost to the Military Department concerned. Such additional services shall be performed outside the scope of Junior ROTC duties and hours. (This requirement does not preclude Junior ROTC instructors from serving on routine committees or from performing other extracurricular duties normally performed by other faculty members.) (See enclosure 1.)

(5) Compensate a Junior ROTC instructor only for the period of time he or she performs duties as a Junior ROTC instructor. For periods of service as a Junior ROTC instructor for less than 12 months of a calendar or fiscal year, the instructor shall be compensated the difference between the amount of the retirement (or retainer) pay and active duty pay times the length of employment as a Junior ROTC instructor expressed as a fraction of 12 months. (Refer to enclosure 1, Examples C and D, for clarification.)

(6) Provide an additional amount of compensation for a Junior ROTC instructor for only that part of the summer (or interim) months, between academic sessions, during which the instructor performs administrative or instructional duties that are directly related to the Junior ROTC program. Administrative and instructional duties directly related to the Junior ROTC program that would entitle a Junior ROTC instructor to additional compensation include, but are not limited to:

(i) Administrative and instructional duties performed in an interim term Junior ROTC program, such as summer school;

(ii) The grading of examinations and papers during the period immediately following the end of the school year; and

(iii) The preparation of new course materials during the period immediately preceding the beginning of a school year.

(7) Advise the Secretary of the Military Department concerned of any change of employment status of retired personnel employed at an institution.

(8) Provide suitable safeguards for the government property provided. Such safeguards shall include, but not be limited to:

(i) Employment of clerical and maintenance personnel required to issue, account for, and maintain the government property.

(ii) Bonds or insurance (or both) to cover loss and damage of the property.

(iii) Secure storage of U.S. military weapons and ammunition in the inventory of Junior ROTC units. Junior ROTC units that have U.S.-furnished military weapons and ammunition in their inventory shall be inspected for physical security by the sponsoring Military Department. Established security standards for arms rooms, including separate secure storage of bolts of operable weapons, shall be emphasized.

(9) Provide positive safeguards to prevent discrimination against students or instructors on the grounds of sex, race, religion, or national origin.

(10) Provide adequate facilities for classroom instruction, storage for the unit's equipment (see paragraph

(a)(8)(iii) of this section, and adequate, suitably located drill areas, as determined by the Secretary of the Military Department concerned.

(11) Provide the required courses of instruction and maintain the standards prescribed by the Secretary of the Military Department concerned.

(b) *Junior ROTC instructors.* (1) The Secretary of the Military Department concerned may authorize one active duty officer, O-4 or below, and one active duty enlisted member, E-7 or below, to be assigned as instructor at each military institute school or high school level of military junior college. Military institute schools and the secondary level of military junior colleges desiring additional instructors shall acquire them through the employment of retired personnel as set forth above. Active duty personnel assigned to military institute schools and the high school level of military junior colleges count against the student-instructor ratio prescribed in paragraph (b)(2)(i) of this section.

(2) Authorized strength of retired officer and noncommissioned officer instructors:

(i) Single Junior ROTC units and each subunit of a multiple Junior ROTC unit shall be authorized one retired officer instructor per 500 enrolled ROTC students, or major fraction thereof, and one retired enlisted instructor per 100 enrolled ROTC students, or major fraction thereof.

(ii) As exceptions to the above, any school that qualifies for a Junior ROTC unit shall be authorized at least one officer and, when necessary, the Secretary of the Military Department concerned may authorize substitution of officers for enlisted instructors, and conversely, within the above authorizations.

(iii) Supervisory personnel for multiple Junior ROTC units shall be obtained by organizing the multiple unit so that these limitations are not exceeded.

(3) Retired officer and noncommissioned officer instructors are employees of the school and are responsible to school authorities for the conduct of the Junior ROTC program. In this regard, however, the Secretary of the Military Department concerned shall

hold the school authorities responsible for the conduct of the program as prescribed. Junior ROTC instructors must meet Military Service requirements and maintain standards acceptable to the Military Department concerned.

(c) *Eligibility of students.* (1) To enroll in the Junior ROTC, students shall be at least 14 years old and shall meet the physical standards prescribed by the Secretary of the Military Department concerned.

(2) The Secretary concerned may prescribe qualifying tests and cutoff scores for Junior ROTC training.

(d) *Supply and maintenance.* (1) The Secretaries of the Military Departments may authorize the issuance of equipment to a designated official of the educational institution concerned, as follows:

(i) Military equipment needed for the prescribed military training program, provided the equipment is not needed for training of their regular and reserve components.

(ii) Surplus military equipment, allied to military requirements for particular technical training courses (DoD Directive 5100.13, "Donation of Surplus Personal Property to Educational Activities of Special Interest to the Armed Services," November 18, 1971), when, in the judgment of the Secretary of the Military Department concerned, the military training requirements is warranted.

(iii) Spare parts, tools, cleaning materials, technical publications, and other materials necessary for maintenance of the equipment.

(iv) Necessary test materials, individual equipment, and uniforms.

(2) The Military Department concerned shall pay transportation charges, including packaging and handling, for shipment to and from the institution. The institution shall pay all other costs incident to maintenance and local storage and safeguarding of the property.

(e) *Disestablishment of Junior ROTC units.* (1) When the Secretary of a Military Department determines that a Junior ROTC unit does not meet the standards specified in appropriate Military Service directives (other than for enrollment), school authorities concerned shall be notified that the unit

has been placed on a 1-year probationary status. Disestablishment of the unit shall be effective at the conclusion of the probationary period if the reason for the probationary status has not been resolved.

(2) Junior ROTC units that are in at least their 2nd year of enrollment and do not have the statutory minimum of 100 students, or 10 percent of the number of students enrolled in the institution, who are at least 14 years of age, whichever is less, shall be placed on probation immediately. No later than the end of the academic year, the Military Department concerned shall evaluate the unit's potential to attain the minimum enrollment upon the opening of school in the fall. If it is likely the enrollment minimum will not be met, the Military Department concerned shall encourage school authorities to concur in disestablishment of the unit at the end of that current school year. The Military Department concerned shall make the final determination as to the school's capability to meet the enrollment minimum. When the Military Department's evaluation indicates that minimum enrollment probably will be met at the beginning of the fall school term, the unit may be continued. However, no later than 30 days following the beginning of the next school term, the sponsoring Military Department shall determine whether the enrollment minimum has been met. If it has not, the school shall be officially notified of the unit's disestablishment, and physical termination shall be scheduled for no later than the end of that academic year.

(f) *Junior ROTC in DoD Dependents Schools (DoDDS) high schools.* (1) The requesting high school principal shall forward applications for the establishment of individual Junior ROTC units through established school channels in each geographic area to the appropriate Military Department.

(2) The nomination of retired officer and noncommissioned officer instructors shall be in accordance with applicable regulations of the Military Departments. The respective Military Departments shall submit the names of nominees to the Director, DoDDS, ATTN: Teacher Recruitment, for final

Office of the Secretary of Defense

Pt. 111, Encl. 1

selection and appointment to positions in the DoDDS high schools. Junior ROTC instructors shall be employed in accordance with part 69 of this title.

(3) In addition to meeting Military Department qualifications, each applicant for a Junior ROTC instructor position must meet the criteria required by the North Central Accreditation Association of Colleges and Secondary Schools (NCA). NCA criteria may be obtained from the Director, DoDDS, Office of the Assistant Secretary of Defense (Manpower, Reserve Affairs, and Logistics).

ENCLOSURE 1—EXAMPLES: COMPUTATION OF THE JUNIOR ROTC INSTRUCTOR'S COMPENSATION

The computation of the amount due to the Junior ROTC instructor, from the U.S. Government and the institutions is illustrated in the examples provided below.

Example A: A Junior ROTC instructor agrees to instruct, administer, and operate a Junior ROTC unit for 12 months at Murray High School. Murray High School remains open 12 months of the year without the usual summer recess.

Due to the Junior ROTC Instructor:	
From the U.S. Government:	
• Annual military retirement pay	\$20,000
From the School District:	
• Minimum due the instructor from the institution is the difference between the annual retirement pay and what the instructor would earn annually if called to active duty:	
Active duty pay and allowances:	
(a) Basic pay	
(b) Basic allowance for quarters	
(c) Allowance for variable housing (VHA)	
(d) Allowance for uniforms (enlisted only)	
(e) Basic allowance for subsistence	
(f) All other pay and allowances are excluded unless permitted by specific revision to DoD Directive 1205.13	
Total	\$28,000
Difference: Retirement pay less active duty pay	8,000
Minimum due the instructor from the institution	8,000

Junior ROTC Instructors's Total Compensation	28,000
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¹ Reimbursable to the School District from the Federal Government (½ of \$8,000), \$4,000.

Example B: If the school district in EXAMPLE A feels that the Junior ROTC instructor should be compensated more than the minimum, they may do so.

Due to the Junior ROTC Instructor:	
From the U.S. Government:	
• Annual military retirement pay	\$20,000
From the School District:	
• Minimum annual compensation (see computation in Example A)	² \$8,000
• Any additional compensation for Junior ROTC-related responsibilities	4,000
Junior ROTC Instructor's Total Compensation	32,000

² Reimbursable to the School District from the Federal Government (½ of \$8,000) (4,000).

Example C: Murray High School wanted the Junior ROTC instructor to coach the football team. A separate contract between Murray High School and the Junior ROTC instructor was written to describe any additional duties desired by the institution beyond those connected with the instruction, administration, and operation of the Junior ROTC unit. (See enclosure 2, subsection A.4.)

Due to the Junior ROTC Instructor:	
From the U.S. Government:	
• Annual military retirement pay	\$20,000
From the School District:	
• Minimum Junior ROTC compensation (see computation in EXAMPLE A)	³ 8,000
• Any additional compensation for Junior ROTC-related responsibilities	4,000
• Compensation for separately contracted responsibilities related to coaching the football team	2,000
Junior ROTC Instructor's Total Compensation	34,000

³ Reimbursable to the School District from the Federal Government, 4,000.

Example D: Central High School is open 9 months of the year for instruction and a total of an additional month for preregistration activities, such as preparing curricula and counseling students in August, and postacademic activities in June, such as recording permanent grades and taking inventory on teaching materials needed for the coming academic year. As an instructor at Central High School, the Junior ROTC instructor shall participate in these required duties.

The Junior ROTC instructor has accepted a 10-month contract with Central High School to provide instruction, administration, and operation of the Junior ROTC unit. His compensation is calculated as follows:

Due to the Junior ROTC Instructor:			
From the U.S. Government:			
• Annual military retirement pay		\$20,000	
From the School District:			
• Minimum Junior ROTC instructor's compensation prorated to 10-month period			
Annual military retirement pay	\$20,000		
Annual pay and allowances if called to active duty	\$28,000		
Annual difference	8,000		
Prorated Difference: Minimum amount due the Junior ROTC instructor from the school district= ¹⁰ / ₁₂ of \$8,000			⁴ \$6,667
Junior ROTC Instructor's Total Compensation			
		26,667	
⁴ Reimbursable to the School District from the Federal Government (¹ / ₂ of \$6,667) \$3,334.			

Example E: The Junior ROTC instructor in EXAMPLE D has elected to have his compensation from the school district paid in 12 equal payments during the year. This does not change the annual minimum compensation due from the institution as the following computation indicates.

Due to the Junior ROTC Instructor:			
From the U.S. Government:			
• Annual military retirement pay		\$20,000	
From the School District:			
• Minimum Junior ROTC instructor's compensation prorated to a 10-month period (See computation in Example D)			⁵ 6,667
(Paid in 12 monthly checks in the amount of \$555.58 each equals \$6,667)			
Junior ROTC Instructor's Total Compensation			
		26,667	
⁵ Reimbursable to the School District from the Federal Government (¹ / ₂ of \$6,667) \$3,334.			

PART 112—INDEBTEDNESS OF MILITARY PERSONNEL

Sec.

112.1 Purpose.

112.2 Applicability and scope.

112.3 Definitions.

112.4 Policy.

112.5 Responsibilities.

AUTHORITY: 5 U.S.C. 5520a(k) and 10 U.S.C. 113(d).

SOURCE: 60 FR 1721, unless otherwise noted.

§ 112.1 Purpose.

This part: (a) Updates policy and responsibilities governing delinquent indebtedness of members of the Military Services, and prescribes policy for processing involuntary allotments from the pay of military members to satisfy judgment indebtedness in accordance with 5 U.S.C. 5520a(k).

(b) Establishes responsibility for procedures implementing 5 U.S.C. 5520a(k), 15 U.S.C. 1601 note, 1601–1614, 1631–1646, 1661–1665a, 1666–1666j, and 1667–1667e (“Truth in Lending Act”), and 15 U.S.C. 1601 note, and 1692–1692o (“Fair Debt Collection Practices Act”).

(c) Designates the Director, Defense Finance and Accounting Service (DFAS), as the Department of Defense Executive Agent for forms necessary to process involuntary allotments. The Executive Agent shall publish, print, stock, distribute, and revise forms.

§ 112.2 Applicability and scope.

(a) Applies to the Office of the Secretary of Defense, the Military Departments (including the Coast Guard when it is not operating as a Military Service in the Navy by agreement with the Department of Transportation), the Chairman of the Joint Chiefs of Staff, the Unified Combatant Commands, the Inspector General of the Department of Defense, the Defense Agencies, and the Department of Defense Field Agencies (hereafter referred to collectively as “the Department of Defense Components”). The term “Military Services,” as used herein, refers to the Army, the Navy, the Air Force, the Marine Corps, and the Coast Guard.

(b) The provisions of this part do not apply to:

(1) Indebtedness of a member of the Military Services to the Federal Government.

(2) Processing of indebtedness claims to enforce judgments against military members for alimony or child support.

(3) Claims by State or municipal governments under the processing guidelines for complaints, including tax collection actions.

§ 112.3 Definitions.

(a) *Absence*. A member's lack of an “appearance,” at any stage of the judicial process, as evidenced by failing to physically attend court proceedings; failing to be represented at court proceedings by counsel of the member's choosing; or failing to timely respond to pleadings, orders, or motions.

(b) *Court*. A court of competent jurisdiction within any State, territory, or possession of the United States.